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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,263	10/17/2003	Yehuda Cern	2147.012USU3	2217

7590 03/06/2007
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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/688,263

Applicant(s)

CERN, YEHUDA

Examiner

Tilahun B. Gesesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/4/06 have been fully considered but they are not persuasive for the following reasons:

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

On page 4, fifth paragraph of response , applicant argued that Belsak teaches a system in which repeaters are implemented on different conductors and .

The examiner disagrees. Applicant's invention (claim) recites bidirectional medium, therefore, claim not specific whether different medium are used or specific medium is used.

On page 4, fifth paragraph of response , applicant argued that Belsak teaches a power line that comprises three separate phase lines.

The examiner disagrees. Applicant's invention (claim) recites bidirectional medium.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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On page 5, third paragraph applicant argued that Belsak teaches repeaters implemented on different conductors.

The examiner disagrees. Claim 1, recites medium (i.e. medium is broad term which means , conductor or line or anything that connects or links the repeaters).

On page 5, fifth paragraph applicant argued that Belsak does not teach claim 1.

The examiner disagrees. Belsak in view of Fong teach Belsak, Jr. teaches a system for communications on a bi-directional medium (column . 1, lines 1-17, abstract, lines 1-13), comprising: a first repeater, a second repeater, a third repeater and a fourth repeater, each of which is coupled to said medium (column 2, lines 16-30, Col. 1, lines 40-47, See item # 71-76, L1 of Figure 3, Col. 4, lines 39-67, Column 5, lines 10), where a plurality of repeaters are used along a main power line L1 in a power line communications network wherein the first repeater and the second repeater communicate with each other for a transmission from the first repeater to the second repeater, and for a transmission from the second repeater to the first repeater (Column 4, lines 39-51, See Parts 71-76, L1 of Figure 3, Col. 2, lines 16-30), the second repeater and the third repeater communicate with each other for a transmission from the second repeater to the third repeater, and for a transmission from the third repeater to the second repeater (Column 4, lines 46-58, Col. 5, lines 40-75, See items# 71-76, L1 of Figure 3, Col. 2, lines 16-30), and the third repeater and said fourth repeater communicate with each other for a transmission from said third repeater to the fourth repeater, and for a transmission from the fourth repeater to the third repeater (Co. 4,

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lines 53-63, Column, 5, lines 25, lines 36-39, See item # 71-76, L1 of Figure 3, Col. 2, lines 16-30).

Belsak, Jr. teaches a system for communications on a bi-directional medium (Column 1, lines 1m17, Abstract, lines 1-13), Belsak, Jr. does not specifically teach the system of using a first band, a second band, a third band, and a fourth band for transmissions in a repeater system. However, in related art, Fong teaches first receiving means for receiving a signal in a first band of frequencies (Column 46, lines 10-12, abstract, lines 3-6), utilizing a second band of frequencies (Column 46, lines 16-20, Abstract, lines 3-6), receiving a signal in a third band of frequencies (Column 46, lines 21-23, Abstract, lines 3-6), and utilizing a fourth band of frequencies (Column 46, lines 25-27, Abstract, lines 3-6) in a two-way communication system using a power line distribution network as a communication medium (Column 3, lines 16-31, Abstract, lines 13, Column 46, lines 3-6). Therefore, it would have been obvious at the time of the invention to combine the teachings of Belsak, Jr. and Fong in order to improve the performance of transmission and data access functions adapted for use on a power line distribution network by bridging transmission barriers.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1. Belsak, Jr. teaches a system for communications on a bi-directional medium (column . 1, lines 1-17, abstract, lines 1-13), comprising: a first repeater, a second repeater, a third repeater and a fourth repeater, each of which is coupled to said

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medium (column 2, lines 16-30, Col. 1, lines 40-47, See item # 71-76, L1 of Figure 3, Col. 4, lines 39-67, Column 5, lines 10), where a plurality of repeaters are used along a main power line L1 in a power line communications network wherein the first repeater and the second repeater communicate with each other for a transmission from the first repeater to the second repeater, and for a transmission from the second repeater to the first repeater (Column 4, lines 39-51, See Parts 71-76, L1 of Figure 3, Col. 2, lines 16-30), the second repeater and the third repeater communicate with each other for a transmission from the second repeater to the third repeater, and for a transmission from the third repeater to the second repeater (Column 4, lines 46-58, Col. 5, lines 40-75, See items# 71-76, L1 of Figure 3, Col. 2, lines 16-30), and the third repeater and said fourth repeater communicate with each other for a transmission from said third repeater to the fourth repeater, and for a transmission from the fourth repeater to the third repeater (Co. 4, lines 53-63, Column, 5, lines 25, lines 36-39, See item # 71-76, L1 of Figure 3, Col. 2, lines 16-30).

Belsak, Jr. teaches a system for communications on a bi-directional medium (Column 1, lines 1m17, Abstract, lines 1-13), Belsak, Jr. does not specifically teach the system of using a first band, a second band, a third band, and a fourth band for transmissions in a repeater system. However, in related art, Fong teaches first receiving means for receiving a signal in a first band of frequencies (Column 46, lines 10-12, abstract, lines 3-6), utilizing a second band of frequencies (Column 46, lines 16-20, Abstract, lines 3-6), receiving a signal in a third band of frequencies (Column 46, lines 21-23, Abstract, lines 3-6), and utilizing a fourth band of frequencies (Column 46,

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lines 25-27, Abstract, lines 3-6) in a two-way communication system using a power line distribution network as a communication medium (Column 3, lines 16-31, Abstract, lines 13, Column 46, lines 3-6). Therefore, it would have been obvious at the time of the invention to combine the teachings of Belsak, Jr. and Fong in order to improve the performance of transmission and data access functions adapted for use on a power line distribution network by bridging transmission barriers.

Consider Claim 2, in regards to claim 1 above. Belsak, Jr., as modified by Fong, teaches the system wherein said medium is a power line (Col. 1, lines 7-10, lines 1-17, Abstract, lines 1-13).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

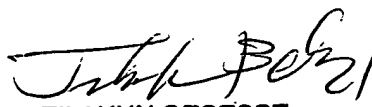
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

Feb. 23, 2007


TILAHUN GESESSE
PRIMARY EXAMINER